



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Reply Refer To:
FWS-2022-003521

July 21, 2022

Via email: sbiggs@selctn.org

Stephanie Biggs
Southern Environmental Law Center
1033 Demonbreun St Ste 205
Nashville, TN 37203

Dear Ms. Biggs:

The United States Fish and Wildlife Service (FWS) Freedom of Information Act (FOIA) office received your request dated May 6, 2022, and assigned it tracking number FWS-2022-003521. Please refer to this number in communications regarding this request.

You requested the following:

“...access to certain documents created, received, or reviewed by the United States Fish and Wildlife Service (“FWS”) related to the Tennessee Valley Authority’s (“TVA”) Cumberland Fossil Plant retirement and replacement efforts.¹ Specifically, we request copies (electronic copies, if possible) of the following documents that were created, received, or reviewed by FWS:

1. Beginning January 1, 2021, until the date of the search for responsive records, any records related to the proposed retirement and demolition of the Cumberland Fossil Plant and the construction and operation of facilities to replace part of the retired generation as well as related infrastructure. Such records include but are not limited to all communications between FWS and any of the following entities: TVA, the Tennessee Wildlife Resources Agency, the Tennessee Department of Environment and Conservation, Tennessee Gas Pipeline Company, LLC, and Kinder Morgan, Inc”.

Response

We are providing you the final response to your FOIA request. We have enclosed records consisting of one hundred twenty-nine (129) pages, which are being released to you in its entirety.

Mediation

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://www.archives.gov/ogis>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, whom you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and FWS concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

This is our final response and closes your request DOI-FWS-2022-003521. If you have any questions about our response to your request, you may me, by email at fwhq_foia@fws.gov, or by mail at U.S. Fish and Wildlife Service; ATTN: FOIA Office; 5275 Leesburg Pike; MS: IRTM; Falls Church, VA 22041.

Sincerely,

Cathy Willis
for FWS FOIA Officer